

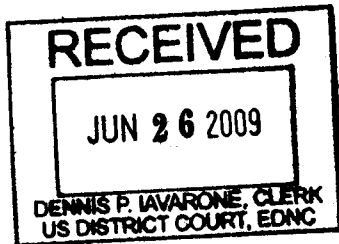


U. S. Department of Justice

George E. B. Holding

United States Attorney

Eastern District of North Carolina



Terry Sanford Federal Building
310 New Bern Avenue
Suite 800
Raleigh, North Carolina 27601-1461

Telephone (919) 856-4530
Criminal FAX (919) 856-4487
Civil FAX (919) 856-4821
www.usdoj.gov/usao/nc

RELATED CASE MEMORANDUM

DATE: June 17, 2009

TO: Clerk's Office
United States District Court
Raleigh, North Carolina

FROM: ERIC EVENSON
Assistant United States Attorney
Criminal Division

SUBJECT: United States v. Kody Ray Brittingham
Docket No. 7:09cr82 - Southern Division

United States v. Natalie Denise Byrdsong
Docket No. 7:09cr81-1 - Southern Division

The above-named cases are being presented for a plea to Criminal Informations.

One Information charges Defendant Brittingham with:

(1) Attempt to affect Commerce by attempting to take property from the My Motel by use of a dangerous weapon (Hobbs Act Robbery), and aiding and abetting, in violation of Title 18 U.S.C. §§ 1951 and 2:

(2) Use and carry and possess a firearm in furtherance of a crime of violence, in violation of Title 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2.

The other Information charges Defendant Byrdsong with:

(1) Attempt to affect Commerce by attempting to take property from the My Motel by use of a dangerous weapon (Hobbs Act Robbery) in violation of Title 18 U.S.C. §§ 1951 and 2.

A previously filed indictment, United States v. Kody Ray Brittingham, Docket No. 7:09-CR-26-FL (4), charges the defendant with Making a Threat to take the Life of, and Inflict Bodily Harm upon, the President-elect of the United States, in violation of Title 18 U.S.C. § 871.

The Criminal Informations vs. Kody Ray Brittingham that are being filed today are related to the previously filed Indictment against same, because they involve the same individual, and the investigation of the Hobbs Act Robbery (Criminal Information) led directly to the investigation of the Threat to the President-elect charged in the Indictment (Indictment), with some overlap in witnesses.

The above-named Criminal Informations vs. Brittingham and Byrdsong that are being filed today are related to each other in that they arise from the same series of events and have one or more defendants in common. These are both matters arising out of the same conspiracy, common scheme, transaction, and a series of transactions or events.

The government proffers that these matters are "related cases", because they share common events or defendants, would entail substantial duplication of labor in pretrial, trial, or sentencing proceedings if heard by different judges.

Reviewed and approved by:



JOHN STUART BRUCE

First Assistant U.S. Attorney